

REMARKS

Favorable reconsideration of this application, in light of the present amendment and in view of the following discussion, is respectfully requested.

Claims 1 and 3-16 are pending in the present application. Claim 2 is cancelled without prejudice or disclaimer, claims 1, 3, 5, 7 and 10-15 are amended, and new claim 16 is added by the present amendment.

As an initial matter, Applicant thanks the Examiner for acknowledgement of receipt of the certified copy of the priority document, as indicated in item 12 in the Office Action Summary of the outstanding Office Action.

**Objection to the Abstract**

In the Outstanding Office Action, the Abstract was objected to for exceeding 150 words. A replacement Abstract is submitted by way of the present amendment, which complies with the requirements of the MPEP. According, it is respectfully requested this objection be withdrawn.

**Rejections Under 35 U.S.C. § 112**

Claims 1-15 were rejected under 35 U.S.C. § 112, as indefinite. This rejection is respectfully traversed.

Claims 1, 3 and 5-15 are amended in light of the comments noted in the outstanding Office Action and to better conform to standard claim drafting practice. It is believed no new matter is added by these amendments.

Accordingly, it is respectfully requested this rejection be withdrawn.

**Objection to the Drawings**

The Drawings were objected to for not showing "fitting grooves," and FIG. 5 was objected to for not being labeled "Related Art." Regarding the "fitting grooves" recited in

claims 10 and 11, for example, it is respectfully submitted that fitting grooves are shown at least in FIGS. 1 and 2 at reference numeral 9, and are supported in the specification at least at page 12, line 19 to page 13, line 18. Further, FIG. 5 is labeled “Related Art” in light of the comments noted in the outstanding Office Action.

Accordingly, it is respectfully requested this objection be withdrawn.

**Rejections Under 35 U.S.C. § 102**

Claims 1 and 8 were rejected under 35 U.S.C. § 102(b) as unpatentable over U.S. Patent No. 4,860,390 to OHTA (herein “OHTA”). This rejection is respectfully traversed.

Amended independent claim 1 recites, *inter alia*, “a clearance between the horizontal edge of the plug lid and the packing,” in which “the packing deforms into the clearance when the circumferential edge of the plug lid is dropped into the notch part,” support for which is found in the originally filed specification at least at page 11, line 19 to page 12, line 3.

In a non-limiting example, FIG. 1 shows the packing 6 is arranged spaced apart from the rear surface 12 of the plug lid 1, and a clearance between the packing 6 and the rear surface 12 becomes a deformed space for the packing 6.

Amended independent claim 1 also recites, *inter alia*, that the packing has “an outwardly-convex shape which upwardly tapers from a first thickness at an end attached to the drain plug to a second thickness narrower than the first thickness.” Such features are similar to dependent claim 6, for example. New Independent claim 16 has been drafted to include similar features.

In contrast, OHTA merely shows a “packing 15” having an L-shaped profile which turns downward, and which does not “upwardly taper,” as recited in independent claims 1 and 16.

Accordingly, it is respectfully submitted independent claims 1 and 16 and each of the claims depending therefrom patentably distinguish over OHTA.

Claims 1 and 8 were rejected under 35 U.S.C. § 102(b) as unpatentable over U.S. Patent No. 5,363,519 to HUSTING (herein “HUSTING”). This rejection is respectfully traversed.

As discussed above, amended independent claims 1 and 16 recite “a packing having an outwardly-convex shape which upwardly tapers from a first thickness at an end attached to the drain plug to a second thickness narrower than the first thickness.” In contrast, HUSTING merely discusses a “rubber O-ring 33” which cannot deform, and which is therefore different from independent claims 1 and 16.

Moreover, HUSTING merely shows in FIG. 3 the “rubber O-ring 33” flush against the “popper 5,” which does not include “a clearance between a rear edge of the plug lid and the packing,” as recited in amended independent claims 1 and 16.

Accordingly, it is respectfully submitted independent claims 1 and 16 and each of the claims depending therefrom patentably distinguish over HUSTING.

### **Rejections Under 35 U.S.C. § 103**

Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over OHTA and U.S. Patent No. 4,160,293 to NIEMANN (herein “NIEMANN”). This rejection is respectfully traversed.

Claim 10 depends on amended independent claim 1, which as discussed above is believed to patentably distinguish over OHTA. Further, NIEMANN merely discusses

a drain-valve assembly having a stopper with gripping means which cooperate with stop means formed on a stud for holding the stopper either in a raised or open position or a lowered or a closed position, but NIEMANN does not teach or suggest at least "a packing having an outwardly-convex shape which upwardly tapers from a first thickness at an end attached to the drain plug to a second thickness narrower than the first thickness," nor of a plug lid which "includes a clearance between a rear edge of the plug lid and the packing" in which "the packing deforms into the clearance when the circumferential edge of the plug lid is dropped into the notch part," as recited in pending amended independent claims 1 and 16.

Accordingly, it is respectfully submitted independent claims 1 and 16 and each of the claims depending therefrom also patentably distinguish over OHTA and NIEMANN.

Claim 10 was rejected under 35 U.S.C. § 103(a) as unpatentable over OHTA and NIEMANN. This rejection is respectfully traversed.

Claim 10 depends on amended independent claim 1, which as discussed above is believed to patentably distinguish over OHTA and NIEMANN. Further, it is respectfully submitted neither OHTA nor NIEMANN, either alone or in combination, teach or suggest all the features of amended claims 1 and 16.

Accordingly, it is respectfully submitted claim 10 also patentably distinguishes over OHTA and NIEMANN.

#### **Amendments to the Claims and Abstract**

In addition, claims 1, 3 and 5-15 are amended only to correct minor informalities and to better conform to standard claim drafting practice. Further, claim 2 is cancelled without prejudice or disclaimer of the subject matter thereof, new claim 16 is added, which includes features substantially similar to cancelled claim 2 as well as amended

independent claim 1, and dependent claim 3 is amended to depend on new claim 16. In addition, the Abstract is amended not to exceed 150 words and to better conform to standard patent practice. It is believed no new matter is added by these amendments.

**Conclusion**

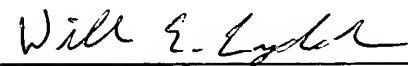
Further, it is noted the outstanding Office Action only rejected claims 1, 8 and 10 in light of OHTA, HUSTING or NIEMANN, and the rejection of claims 1-15 under 35 U.S.C. § 112 is addressed by this amendment; therefore, in light of the above discussion and in view of the present amendment, this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

Accordingly, consideration of the present amendment, reconsideration of the outstanding Office Action, and allowance of the present application and all the claims therein is respectfully requested.

The amendments to the claims which are made in this amendment and which have not been specifically noted to overcome a rejection based on the cited art, should thus be considered to have been made for a purpose unrelated to patentability and no estoppel should be deemed to have attached thereto. Applicant has made a sincere effort to place the present application in condition for allowance and believes he has now done so.

If the Examiner has any questions concerning this amendment or the present application, Applicant respectfully invites the Examiner to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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Attachment: Replacement Sheet of Drawing

AMENDMENTS TO THE DRAWINGS

A replacement sheet is submitted herewith including FIG. 5, which replaces the previous sheet that included FIG. 5. FIG. 5 is amended only to recite "Related Art," and it is believed no new matter is added thereby.